

**CHARGE:** 402 (a) (3)—(956 btl. lot and 1,944 btl. lot) contained mold when shipped; 402 (c)—(all lots) contained coal-tar colors other than ones from batches certified pursuant to regulations; 403 (a)—(all lots) the label statement "U. S. Certified Food Color" was false and misleading, and, (437 btl. lot and 1,944 btl. lot) the label statement "Dye Content 2.4%" was false and misleading in that the articles in such lots contained less than the declared amount of dye; and 403 (i) (2)—(all lots) the articles were fabricated from two or more ingredients, and their labels failed to bear the common or usual name of each such ingredient.

**DISPOSITION:** 4-25-56. The Michlin Chemical Corp., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the article was ordered released under bond for conversion into a nonfood product. The claimant failed to comply with the decree with respect to the filing of a bond, and on 1-7-57 an order was entered for the destruction of the articles.

**24100. Fire-damaged foods.** (F. D. C. No. 39408. S. No. 45-997 M.)

**QUANTITY:** Approximately 90,000 lbs. of miscellaneous packaged canned fish, evaporated milk, candy, cookies, mincemeat, packaged cereals, canned soups, dried prunes, dessert powders, etc. at Philadelphia, Pa.

**SHIPPED:** 7-25-56, from East Paterson, N. J., by General Sales Co.

**LIBELED:** 8-1-56, E. Dist. Pa.

**CHARGE:** 402 (a) (3)—when shipped, contained decomposed food in some cans, and otherwise unfit for food by reason of rusty cans and fire damage; 403 (e) (1) and (2)—failed to bear labels containing the name and place of business of the manufacturer, packer, or distributor, and an accurate statement of the quantity of contents; and 403 (i) (1) and (2)—failed to bear labels containing the common or usual name of the foods, and the common or usual name of each ingredient in the foods.

**DISPOSITION:** 8-6-56. Consent—claimed by Geo. M. Ruddy & Co., New York, N. Y., and released for segregation of the good from the unfit. The portion found to be unfit was destroyed.

## INDEX TO NOTICES OF JUDGMENT F. N. J. NOS. 24051 TO 24100

### PRODUCTS

	N. J. No.		N. J. No.
Arti-Rich sticks.....	24098	Chickpeas. See Garbanzo beans.	
Bakery products.....	24055	Chiles, pickled.....	24092
Batter mix.....	24064	Coal-tar colors.....	24099
Beans, black-eyed.....	24075	Coffee beans.....	24052
garbanzo .....	24076	green .....	24053, 24054
Beverages and beverage mate-		Coriander seeds.....	24089
rials .....	24051-	Cranberry sauce.....	24070
	24054, 24072, 24097	Douglas Hi Dry vitamin D.....	24094
Black-eyed beans.....	24075	Fats. See Oils and fats.	
Bourbon whisky.....	24051	Fire-damaged foods.....	24100
Breakfast food.....	24065	Fish and shellfish.....	24066-24069
Cashew nuts.....	24079	Flavors. See Spices, flavors,	
Cereals and cereal prod-		and seasoning materials.	
ucts .....	24055-24065		

# U. S. Department of Health, Education, and Welfare

## FOOD AND DRUG ADMINISTRATION

### NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

24101-24200

#### FOODS

The cases reported herewith were instituted in the United States district courts by United States attorneys, acting upon reports submitted by the Department of Health, Education, and Welfare. They involve foods which were adulterated or misbranded within the meaning of the Act when introduced into and while in interstate commerce or while held for sale after shipment in interstate commerce. These cases involve (1) seizure proceedings in which decrees of condemnation were entered by default, or by consent; (2) criminal proceedings which were terminated upon pleas of guilty or nolo contendere; and (3) injunction proceedings terminated with the entry of an injunction. The seizure proceedings are civil actions taken against the *goods* alleged to be in violation, and the criminal and injunction proceedings are against the *firms* or *individuals* charged to be responsible for violations.

Published by direction of the Secretary of Health, Education, and Welfare.

GEO. P. LARRICK, *Commissioner of Food and Drugs.*

WASHINGTON, D. C., October 27, 1958.

#### CONTENTS

	Page		Page
Cereals and cereal products.....	47	Fruits and vegetables—Continued.....	
Bakery products.....	47	Dried Fruit.....	59
Cornmeal.....	47	Miscellaneous fruit products.....	60
Flour.....	48	Vegetables and vegetable prod-	
Miscellaneous cereals and cereal		ucts.....	61
products.....	50	Tomatoes.....	65
Dairy products.....	55	Nuts.....	65
Butter.....	55	Poultry.....	66
Cheese.....	55	Vitamin, mineral, and other prod-	
Eggs.....	56	ucts of special dietary signifi-	
Fish and shellfish.....	57	cance.....	68
Fruits and vegetables.....	59	Miscellaneous foods.....	70
Canned fruit.....	59	Index.....	72

**SECTIONS OF FEDERAL FOOD, DRUG, AND COSMETIC ACT INVOLVED IN VIOLATIONS  
REPORTED IN F. N. J. NOS. 24101-24200**

*Adulteration*, Section 402 (a) (1), the article contained an added poisonous or deleterious substance which may have rendered it injurious to health; Section 402 (a) (2), the article, in two cases, contained an added poisonous or deleterious substance which was unsafe within the meaning of Section 406; and, in four other cases, the article was a raw agricultural commodity and contained a pesticide chemical which was unsafe within the meaning of 408 (a); Section 402 (a) (3), the article consisted in part of a filthy or decomposed substance, or it was otherwise unfit for food; Section 402 (a) (4), the article had been prepared, packed, or held under insanitary conditions whereby it may have become contaminated with filth; Section 402 (a) (5), the article was in whole or in part the product of a diseased animal; Section 402 (b) (1), a valuable constituent had been in whole or in part omitted or abstracted from the article; Section 402 (b) (2), a substance had been substituted wholly or in part for the article; Section 402 (b) (4), a substance had been added to the article or mixed or packed therewith so as to increase its bulk or weight or reduce its quality; Section 402 (c), the article contained a coal-tar color other than one from a batch that had been certified in accordance with regulations; Section 406 (a), a poisonous or deleterious substance was added to food when such substance was not required in the production thereof and could have been avoided by good manufacturing practice; and Section 408 (a), a poisonous or deleterious pesticide chemical, or a pesticide chemical which is not generally recognized, among experts qualified by scientific training and experience to evaluate the safety of pesticide chemicals, as safe for use, had been added to a raw agricultural commodity; and no tolerance or exemption from the requirement of a tolerance for such pesticide chemical in or on the raw agricultural commodity had been prescribed by the Secretary of Health, Education, and Welfare.

*Misbranding*, Section 403 (a), the labeling of the article was false and misleading; Section 403 (c), the article was an imitation of another food and its label failed to bear, in type of uniform size and prominence, the word "imitation" and, immediately thereafter, the name of the food imitated; Section 403 (e), the article was in package form, and it failed to bear a label containing (1) the name and place of business of the manufacturer, packer, or distributor, and/or (2) an accurate statement of the quantity of contents; Section 403 (i) (1), the article was not subject to the provisions of Section 403 (g) and its label failed to bear the common or usual name of the food; Section 403 (i) (2), the article was not subject to the provisions of Section 403 (g) and was fabricated from two or more ingredients, and its label failed to bear the common or usual name of each such ingredient; Section 403 (j), the article purported to be and was represented for special dietary uses, and its label failed to bear such information as the Secretary has determined to be, and by regulations prescribed as, necessary in order fully to inform purchasers as to its value for such uses; and Section 403 (k), the article contained a preservative and it failed to bear labeling stating that fact.